

Security Sector Governance (SSG) and Democratic Oversight: the Roles of Parliament and Civil Society:

@PKO Now! No.115

The thoughts and views expressed in this column belong solely to the author and do not represent those of the Secretariat and the Government of Japan.

Yuki Yoshida

Program Advisor

April 15, 2021

Although disruption of order is common in many post-conflict societies, the security apparatus that are capable of deterring and responding to crime and violence rarely exist. To restore order and stability, the United Nations, donor countries and other aid agencies have assisted post-conflict states in building capacity of the security institutions through security sector reform (SSR). However, while focusing overtly on the so-called 'train and equip' aspect of the reforms, the international community, despite the importance, has paid far less attention to reinforcing security sector governance (SSG), in which the public holds the security institutions accountable through monitoring their policies and operations. This column unpacks the concept of SSG and explores important roles parliament and civil society play in democratic oversight of the security sector.

SSG and Democratic Oversight

Governance is a structure that exercises authority over operation, management and decision-making of an entity. Applying this concept to a government, it can be an overarching structure that manages internal and foreign affairs, decision-making on public policies, and implementation of the policies. Every government is encouraged to make continuous efforts to improve governance to provide the citizens a quality life. What are the principles of good governance then? A resolution adopted by the UN Commission on Human

Rights in 2000 recognized transparency, accountability, participation and responsiveness as the conditions of good governance,¹ all of which are crucial for SSG, together with rule of law, effectiveness and efficiency.²

A number of issues can emerge if SSG is absent or fragile. For instance, the security apparatus can be privatized and exploited by political elites for their own protection and benefits.³ Politicized security institutions can not only abandon to protect life and rights of the citizens, but can also violate the rule of law and commit human rights abuses to defend the regime. Without effective oversight in place, institutional transparency and accountability over decision-making, management of personnel and budget and procurement process would be undermined, and corrupt practices prevail and persist. While a few elites accumulate power and benefit, other lower rank personnel working at the frontline are impoverished and difficult to maintain discipline, which can result in decreasing quality of security service.⁴ Many post-conflict states have more or less experienced these issues.

To improve SSG, each security institution should strengthen internal oversight mechanism by, for instance, creating a section dedicated to monitor and punish corruption and misbehavior of personnel and introducing the codes of conduct that are based on democratic values.⁵ What this column intends to stress, however, is that the citizens, as the primary recipients of public security services, have the rights to provide oversight for the operation and management of the security sector. In many democratic states, parliament and civil society often play the oversight roles, which is known as democratic oversight.

Under democratic oversight, various actors can be part of discussions on the security sector, increasing civic participation and transparency and accountability of the sector.⁶ Also, corruption and human rights violations by security personnel and politicization of the security apparatus can be prevented through close monitoring by the public. As democratic values are embedded within the security institutions, they would gradually be transformed into entities that respond to citizens' security needs effectively and efficiently, while respecting the rule of law and human rights. Increased legitimacy of the security sector will help restore public confidence with the government. Exercising effective control over the

security sector through strengthening democratic oversight is essential to achieve good SSG, which is one of the most important goals of SSR.⁷

The Functions of Parliament in Democratic Oversight

In democratic oversight, parliament plays crucial roles, though modalities, approaches and interpretations can vary among democratic states. The following section sheds light on parliament's three typical functions, namely 1) legislative functions, 2) oversight functions and 3) budgetary functions.

(1) Legislative Functions

At parliament, bills that govern and control operation and management of the security institutions are deliberated before enactment and implementation. Parliament also monitors and reviews effectiveness of existing laws, or drafts new bills from scratch to meet emerging citizens' security needs and changing context.⁸ In that process, it is important to ensure that the laws specify the mandate, organization and functions of the security institutions and guarantee their accountability and transparency.⁹ From the democratic point of view, the laws should clearly state the obligations of the security institutions to respect the rule of law, human rights and the principle of political supremacy, where the security sector is the subject of democratic control by the government and parliament.

(2) Oversight Functions

Parliament monitors operation and management of the security institutions in terms of compliance of the laws and regulations, investigates the cases of violations and holds the government accountable.¹⁰ By scrutinizing government's engagement in the security sector, parliament can also prevent politicization of the security sector.¹¹ One of the places where parliamentary oversight can effectively be exercised is a committee. In many democracies, parliamentary committees are set up for respective policy field, where parliamentarians deliberate issues and challenges on each field with government officials and hold them accountable for their responses.¹² At a committee that deals with defense and security matters, parliament can hold the security institutions accountable and contribute to improving transparency of the sector in the eyes of the public.

A defense and security committee can demand the executive to disclose internal documents related to the security sector.¹³ If additional explanation is needed, the committee has power to summon officials of relevant ministries and security institutions into hearings where further deliberation and investigation are undertaken. Experts from universities and NGOs can also be invited to hearings to present their perspectives on neutral ground.¹⁴ The committee reports findings of the deliberations to the plenary and can publish parts of the reports, aiming to stimulate public debate and action.¹⁵ Types of committee vary among democratic states, ranging from a permanent committee to an ad hoc committee, which can be set up to deliberate and investigate specific laws or policy issues.¹⁶ Parliament can also exercise its oversight functions over government's security policies and decisions through approving government decision to participate in wars and overseas deployment of the military.

(3) Budgetary Functions

Considering that significant amount of national budget is allocated to the security sector, parliament also monitors the propriety of the draft budget for the sector and effective and efficient implementation of the budget. A clear difference between the oversight functions and the budgetary functions is that parliament can directly influence the budget by disapproving the draft budget and requiring the government to amend it before the final approval.¹⁷ Some democratic parliaments not only monitor and investigate into the implementation of the budget, but also commission external auditors to conduct additional evaluation of the financial state of each security institution.¹⁸

Challenges of Parliamentary Functions

Parliamentary functions often face the following challenges. First, access to information of the security sector is sometimes limited due to confidentiality. For parliamentary oversight to be effective, access to internal information of the sector is critical, with which parliament can hold the government accountable. However, since information such as "war plans, public safety plans for pursuing and prosecuting criminals, and much of the work of intelligence services" must remain confidential, the government cannot always satisfy

parliament's request for disclosure.¹⁹ To alleviate the dilemma between confidentiality and accountability and transparency, some democratic parliaments hold closed hearings to discuss classified information,²⁰ while other parliaments enact the law that stipulates the procedures for specialized committees to access to classified information.²¹ Nonetheless, it remains the case that the need for confidentiality is a barrier for accountability and transparency.

Second, parliamentary committees are often severely understaffed. Committee staff are commonly mandated to carry out a wide range of tasks, including planning meetings, communicating with government counterparts and outside experts, collecting and analyzing information, and administrative work.²² Because the heavy workload is often shared by the minimum number of staff, they cannot spend sufficient time analyzing policies and operations of the security institutions, which is in fact one of their most important tasks for effective parliamentary oversight. Ironically, the committees often end up depending largely on information provided by the government or security institutions, the very subjects the committee should provide oversight for. To enhance capacity to collect and analyze information, the committees should request parliament to increase budget for committee activities and hire more staff to this end. Utilizing experts from universities, think tanks and NGOs is also encouraged as it contributes to increasing civic participation and inclusiveness in oversight of the security sector.

The third issue is parliamentarians' lack of political will. Some parliamentarians who belong to the ruling party are unwilling to hold the government where their colleagues are represented accountable in a critical manner.²³ Some of them also believe that working on issues that the majority of citizens is interested in, such as welfare, employment, or the price of daily commodities would help them attract constituents' attention instead of defense and security matters. Without political will of parliamentarians, parliamentary oversight would not work. Committees in some democracies are required to include parliamentarians from the opposition parties to maintain committees' neutrality and transparency.²⁴ In any case, it is imperative that each parliamentarian have a strong political will to provide oversight for the government and the security sector on behalf of the public.

The Roles of Civil Society in Democratic Oversight

Civil society also plays vital roles in democratic oversight of the security sector. Civil society organizations (CSOs) such as NGOs, media, universities, and think tanks are better positioned than parliament to represent and bring the voices of grassroot level citizens and, in particular, vulnerable populations to the attention of policymakers.²⁵ CSOs not only monitor policies and operations of the security institutions from the citizens' perspectives, but also support parliamentary oversight by providing the committees expertise and undertaking independent investigation into cases of human rights violations by the security forces.²⁶ Since CSOs are independent from politics, they enjoy higher public confidence, which is one of their unique strengths.²⁷ CSOs are thus crucial to strengthen democratic oversight of the security sector by expanding civic participation.

Conclusion

This column discusses the concept of SSG and the roles of parliament and civil society in democratic oversight as a means to attain good SSG. The security apparatus such as the military and police are granted to use armed forces and could be a potential threat to the citizens, if not properly monitored and controlled. Through their unique oversight functions, parliament and civil society check legal framework of the security sector, compliance of the rule of law and human rights, propriety in management and operation as well as effective and efficient implementation of the budget. Establishing and maintaining good SSG would be an enormous challenge not just for post-conflict states, but also for matured democratic states unless effectively functioning democratic oversight is in place. It is imperative that parliament, civil society, and each citizen have a sense of responsibility to keep an eye on the security sector, which is the indisputable essence of democratic oversight.

End Notes

- ¹ UN Commission on Human Rights. 2000. The role of good governance in the promotion of human rights (resolution 2000/64) (<https://www.refworld.org/docid/3b00f28414.html>) Accessed 4 Mar 2021.
- ² Geneva Centre for the Democratic Control of Armed Forces (DCAF). 2015. "Security Sector Governance." SSR Backgrounder Series. Geneva: DCAF, 3.
- ³ Office for Promotion of Parliamentary Democracy (OPPD). 2013. "Parliamentary oversight of the security sector." Brussels: OPPD, 44.
- ⁴ Ball, Nicole. 2007. "Democratic Governance and the Security Sector in Conflict-affected Countries." In *Governance in Post-Conflict Societies: Rebuilding fragile states*, ed. Derick W. Brinkerhoff. New York: Routledge, 86.
- ⁵ OPPD, "Parliamentary oversight of the security sector," 14.
- ⁶ Cole, Eden. 2015. "Democratic Oversight and Governance of Defense and Security Institutions." In *Oversight and Guidance: Parliaments and Security Sector Governance*, ed. Eden Cole, Philipp Fluri, and Simon Lunn. Geneva: DCAF, 44.
- ⁷ Bryden, Alan, Timothy Donais, and Heiner Hanggi. 2005. "Shaping a Security Governance Agenda in Post-Conflict Peacebuilding." Policy Paper No.11. Geneva: DCAF, 8.
- ⁸ Born, Hans. 2015. "The Role of Parliaments." In *Oversight and Guidance: Parliaments and Security Sector Governance*, ed. Eden Cole, Philipp Fluri, and Simon Lunn. Geneva: DCAF, 71.
- ⁹ DCAF. 2015. "Parliaments: Roles and responsibilities in good security sector governance." SSR Backgrounder Series. Geneva: DCAF, 3.
- ¹⁰ Fuior, Teodora. 2011. "Parliamentary Powers in Security Sector Governance." DCAF Parliamentary Programmes. Geneva: DCAF, 17.
- ¹¹ Born, Hans, Philipp Fluri and Simon Lunn. 2003. "Oversight and Guidance: The Relevance of Parliamentary Oversight for the Security Sector and its Reform." In *Oversight and Guidance: The Relevance of Parliamentary Oversight for the Security Sector and its Reform: A Collection of Articles on Foundational Aspects of Parliamentary Oversight of the Security Sector*, ed. Hans Born, Philipp Fluri and Simon Lunn. Brussels/Geneva: NATO and DCAF, 8.
- ¹² Born, Hans. 2003. "Learning from Best Practices of Parliamentary Oversight of the Security Sector." In *Oversight and Guidance: The Relevance of Parliamentary Oversight for the Security Sector and its Reform: A Collection of Articles on Foundational Aspects of Parliamentary Oversight of the Security Sector*, ed. Hans Born, Philipp Fluri and Simon Lunn. Brussels/Geneva: NATO and DCAF, 43.

¹³ Fuior, 17.

¹⁴ Ibid, 20.

¹⁵ OPPD, 33.

¹⁶ DCAF. 2015. "Parliaments: Roles and responsibilities in good security sector governance," 7. In addition to parliamentary committee, some democratic states have established independent oversight bodies. For instance, human right commissions and human rights ombudsman receive complaints from the citizens about illegal acts by the security actors and investigate into the cases of human rights abuses and potential violations of laws. Anti-corruption commissions monitor and investigate into corrupt practices within the security sector. An auditor-general conducts independent research on implementation of the security institutions and reports to parliament.

¹⁷ DCAF, "Parliaments: Roles and responsibilities in good security sector governance," 5.

¹⁸ Born, 2003, 44.

¹⁹ England, Madeline L. 2009. "Security Sector Governance and Oversight: A Note on Current Practice." Stimson Center, 12.

²⁰ Lunn, Simon. 2003. "The Democratic Control of Armed Forces in Principle and Practice." In Oversight and Guidance: The Relevance of Parliamentary Oversight for the Security Sector and its Reform: A Collection of Articles on Foundational Aspects of Parliamentary Oversight of the Security Sector, ed. Hans Born, Philipp Fluri and Simon Lunn. Brussels/Geneva: NATO and DCAF, 33.

²¹ Fuior, 24.

²² Ibid, 19.

²³ Born, 2003, 41.

²⁴ OPPD, 28.

²⁵ UN Development Programme (UNDP). 2008. "Public Oversight of the Security Sector: A Handbook for Civil Society Organizations." Valeur: UNDP Bratislava Regional Centre, 18.

²⁶ Cole. Eden. 2015. "Democratic Oversight and Governance of Defense and Security Institutions." In Oversight and Guidance: Parliaments and Security Sector Governance, ed. Eden Cole, Philipp Fluri, and Simon Lunn. Geneva: DCAF, 57.

²⁷ UNDP, 17.